



Home Office

Country Policy and Information Note

Iran: Actors of protection

Version 1.0

November 2019

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of Borders and Immigration

5th Floor

Globe House

89 Eccleston Square

London, SW1V 1PN

Email: chiefinspector@icinspector.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 11 September 2018

1. Introduction

1.1 Basis of claim

- 1.1.1 Whether, in general, a person at risk of persecution and/or serious harm from non-state actors and/or rogue state actors is able to obtain effective state protection.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.3 Protection

- 2.3.1 There is an extensive network of police, security and intelligence agencies in Iran, and although in general they exercise effective control throughout the country, professionalism varies, particularly within the police who often operate inefficiently. Corruption and impunity continue to be problems (see [Law enforcement agencies](#)).
- 2.3.2 Although the judicial system, which is based on Islamic law, is declared an independent power under the constitution it is subject to political interference, bribery and corruption. Defendants are often denied access to representation or evidence and the right to appeal and judges commonly accept coerced confessions, disregard torture or abuse during detention and ignore evidence offered by the defence. Trials often disregard international standards of fairness (see [Judiciary](#)).

- 2.3.3 There are systems in place for lodging complaints against officials but reports suggest that the authorities fail to investigate these and sometimes complainants are threatened with additional ill treatment and harsh sentences. Regime officials enjoy a high level of impunity (see [Avenues of redress](#)).
- 2.3.4 Those who fear 'rogue' state agents are unlikely to be able to access effective protection given the reported levels of impunity.
- 2.3.5 Some people, including women, political opponents, journalists, human rights defenders and members of religious minorities may also not be able to obtain effective protection due to their specific profile. For more information, see the relevant [country policy and information note](#).
- 2.3.6 Where a person does not fall into one of these categories, effective protection may be available. There is a functioning security and criminal justice system and in general a person should be able to obtain state protection against persecution or serious harm from non-state actors. However, this should be carefully considered on the facts of each case, taking full account of the individual circumstances of the person
- 2.3.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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Country information

Section 3 updated: 11 September 2018

3 Law enforcement agencies

3.1 Overview

3.1.1 The USSD report for 2017 stated that:

‘Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security and law enforcement forces under the Interior Ministry, which report to the president, and the IRGC [Iranian Revolutionary Guard Corps], which reports directly to the supreme leader.

‘The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies.’¹

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3.2 Police Law Enforcement Forces (Niruha-ye Jomhuri-ye Islami: LEF)

3.2.1 Dr. Wilfried Buchta, who has worked as a research fellow at the German Orient Institut in Hamburg/Germany since 2004, noted in his 2004 paper on Iran’s security sector, that: ‘The LEF, a kind of revolutionary police, came into being in 1990 as the result of a merger of three formerly separately organized forces with internal administrative autonomy, e.g. the city police, the gendarmerie (country-side police) and the revolutionary committees.’²

3.2.2 According to an undated overview on the Interpol website, the responsibilities of the LEF include:

‘... border control, crime fighting; emergency services; identity checks, cooperation with Interpol in regards to the arrest and extradition of criminals, preventing and fighting terrorism, preventing the production, distribution and trafficking of illicit drugs, preventing trafficking in human beings and arms, public security and peace and traffic control.

‘The police force comprises the following operational units: the Air Police, the Anti-Narcotic Police, the Border Guard Police, the Cyber Police, the Criminal Intelligence Detective Police, the Emergency Police Centre, the Intelligence and Public Security Police, the International Relations and INTERPOL department, a prevention unit and the Traffic Police.’³

¹ USSD, 2017 human rights report (section 1d), March 2018, [url](#)

² Wilfried Buchta, ‘Iran’s security sector’, (p.11), July 2004, [url](#)

³ Interpol, Iran, undated, [url](#)

- 3.2.3 The United States Congressional Research Service report 'Iran's Foreign and Defense Policies' dated 23 May 2018 noted that 'Security forces number about 40,000-60,000 law enforcement forces.'⁴

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3.3 Iran Revolutionary Guard Corps (IRGC, also known as Sepah)

- 3.3.1 The role of the IRGC (known in Persian as the Sepah-e-Pasdaran Enghelab Islami) is outlined in Article 150 of the Iranian Constitution, which stated:

'The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements. The scope of the duties of this Corps, and its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.'⁵

- 3.3.2 An October 2014 article of the Economist journal refers to the IRGC as a 'paramilitary force rolled into an intelligence agency wrapped in a giant business conglomerate with security-related interests' that is 'directly controlled by the country's supreme leader'. In terms of its aims, the IRGC is 'dedicated to a strong Iran, both at home and abroad' and seeks to 'ensure stability at home and win greater influence vis-a-vis America and its allies abroad.'⁶

- 3.3.3 The Iran Primer (hosted by the United States Institute of Peace) website's section on the IRGC noted that:

'The Islamic Revolutionary Guard Corps (IRGC) was created after the 1979 revolution to enforce Ayatollah Ruhollah Khomeini's concept of an Islamic state ruled by a velayat-e faqih (guardianship of the jurist). The Guards played a crucial role not only in crushing early opposition to Khomeini's vision, but also in repelling Saddam Hussein's invasion of Iran in 1980. Since then, the Guards have functioned as both the primary internal and external security force. The IRGC has now eclipsed the Artesh, or conventional forces. It operates substantial and independent land, sea and air forces. It commands burgeoning missile forces. It runs asymmetric warfare through the elite Qods Force and proxy groups, such as Hezbollah...

'Over time, the Guards have also been transformed into a leading economic and political actor. The IRGC and its associated companies are involved in many sectors of Iran's economy, allowing it to amass unprecedented power. [...] The Guards forces now number up to 150,000 men divided into land, sea and air forces. The IRGC land forces are estimated to number between 100,000 and 125,000. The IRGC's navy may total as many as 20,000, though some estimates are significantly lower. Another 20,000 are in the IRGC naval forces.

'The Guards are also Iran's most powerful internal security force, at times cooperating and competing with the ministry of intelligence and other security organizations. The Guards' intelligence organization appears to

⁴ CRS, 'Iran's Foreign and Defense Policies' (p. 18), 23 May 2018, [url](#)

⁵ Iran Constitution, [url](#)

⁶ 'Economist, 'Goon Squad', 30 October 2014, [url](#)

have eclipsed the ministry of intelligence in scope and authority, especially after the disputed 2009 presidential election. Other security organizations such as the Basij and the Law Enforcement Forces have become subordinate to the Guards.⁷

- 3.3.4 Teshgom Kamal, an Istanbul-based independent researcher writing on Iranian foreign policy and domestic politics, in a February 2017 article published by the Turkish Anadolu Agency (AA), noted that Iran has five intelligence institutions:

‘The Ministry of Intelligence (Wazarat e Ittela’at) functions under the executive and the Army Intelligence Protection Organization (Sazman e Hifazat e ittela’at e Artish) under the National Army. The remaining three are the GIR [Guardians of the Islamic Revolution- Kamal refers to the IRGC as the GIR] GIR Intelligence Organization (Sazman ittela’at e Sepah), the GIR Intelligence Protection Organization (Sazman e Hifazat e ittela’at e Sepah), and GIR Protection Organization (Sazman e Hifazat e Sepah), all of them associated with the GIR.

‘The GIR is the favourite force of Ayatollah Khamenei, the supreme leader. Despite acting as a united force firmly standing behind the supreme leader, the GIR suffers from various structural and organizational problems, some of which have been created in order to minimize the possibility of any military misadventure.

‘No single commander is allowed to emerge as an all-powerful man in the GIR. The commanders gain their legitimacy and influence through their level of devotion to the supreme leader. Also, there is no chain of command or hierarchy in the GIR as such, that would allow for any commander to rise through the ranks.

‘The GIR is subdivided into largely independent divisions under different commanders of equal ranks, who directly report to the supreme leader. Each division is given a certain part of the country to control.

‘The apparent logic is that every division should be able to independently operate and resist if the country should be attacked or occupied. However, as noted earlier, the hidden objective is to avoid any military misadventure by an ambitious commander.’⁸

- 3.3.5 The United States Congressional Research Service report ‘Iran’s Foreign and Defense Policies’ dated 23 May 2018 noted that:

‘Militarily, the IRGC fields a ground force of about 100,000 for national defense. The IRGC Navy has responsibility to patrol the Strait of Hormuz and the regular Navy has responsibility for the broader Arabian Sea and Gulf of Oman (deeper waters further off the coast). The IRGC Air Force runs Iran’s ballistic missile programs, but combat and support military aviation is operated exclusively by the regular Air Force, which has the required pilots and sustainment infrastructure for air force operations. The IRGC is the key organization for maintaining internal security. The Basij militia, which reports to the IRGC commander in chief, operates from thousands of positions in

⁷ US Institute of Peace, The Iran Primer, ‘Revolutionary Guards’, August 2015, [url](#)

⁸ AA, ‘Revolutionary Guards’, 6 February 2017, [url](#)

Iran's institutions and, as of 2008, has been integrated at the provincial level with the IRGC's provincial units. As of December 2016, the Basij is led by hardliner Gholam Hosein Gheibparvar. In November 2009, the regime gave the IRGC's intelligence units greater authority, surpassing that of the Ministry of Intelligence. Through its Qods (Jerusalem) Force (QF), the IRGC has a foreign policy role in exerting influence throughout the region by supporting pro-Iranian movements and leaders.⁹

3.3.6 In June 2018, Jane's by IHS Markit noted:

'The IRGC (also known as Pasdaran or Sepah) plays a major role in internal security, irregular warfare, and also has responsibility for Iran's ballistic missile forces, with a primary role to protect the religious regime against internal and external threats. Although independent from the IRIA [Islamic Republic of Iran Army], the IRGC ground forces share some roles and responsibilities with their army counterparts...

'Although possessing naval and air elements, the IRGC primarily remains a ground-based force. The total strength of the IRGC is believed to be in excess of 125,000 personnel, of which approximately 100,000 are members of the Islamic Revolution Guards Corps Ground Forces (IRGCGF). The IRGC has been placed under an integrated command with Iran's regular armed forces at the general staff level. However, it retains an independent command chain below this level, and generally continues to exercise as an independent force. The IRGCGF participates in major, set-piece exercises with the regular army although it is believed that lower-level exercises with the army are less common.'¹⁰

3.3.7 Also see: Hesam Forozan & 'Afshin Shahi, 'The Military and the State in Iran: The Economic Rise of the Revolutionary Guards', The Middle East Journal.

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3.4 Basij

3.4.1 The United States Institute of Peace's Iran Primer page on 'The Basij Resistance Force', updated 2015, noted:

'The Basij Resistance Force is a volunteer paramilitary organization operating under the Islamic Revolutionary Guards Corps (IRGC). It is an auxiliary force with many duties, especially internal security, law enforcement, special religious or political events and morals policing. The Basij have branches in virtually every city and town in Iran.

'The Basij have become more important since the disputed 2009 election. Facing domestic demands for reform and anticipating economic hardships from international sanctions, Supreme Leader Ayatollah Ali Khamenei has mobilized the Basij to counter perceived threats to the regime.

'The Basij's growing powers have in turn increased the force's political and economic influence and contributed to the militarization of the Iranian regime.

⁹ CRS, 'Iran's Foreign and Defense Policies' (p. 19), 23 May 2018, [url](#)

¹⁰ Jane's by IHS Markit, 'Iran – Army', 11 June 2018. Subscription only.

‘Yet the Basij also face problems, reflected in their poor handling of the 2009 protests, limited budget and integration into the IRGC Ground Forces in July 2008. Targeted U.S. and international sanctions against the IRGC could further weaken the Basij.

‘The Basij organizational structure divides each city in Iran—depending on its size and population—into “resistance areas.” Each resistance area is then divided into resistance zones, each zone into resistance bases, and each base into several groups. The smaller towns and villages have Basij “resistance cells.” Sensitive social housing areas, such as housing for members of the regular army, also appear to have a special Basij presence. The Revolutionary Guards and the regular military are effectively rivals for resources, equipment and power.

‘Estimates of the total number of Basij vary widely. In 2002, the Iranian press reported that the Basij had between 5 million to 7 million members, although IRGC commander Gen. Yahya Rahim Safavi claimed the unit had 10 million members. By 2009, IRGC Human Resource chief Masoud Mousavi claimed to have 11.2 million Basij members—just over one-half the number originally called for by Khomeini. But a 2005 study by the Center for Strategic and International Studies, a Washington think-tank, put the number of full-time, uniformed and active members at 90,000, with another 300,000 reservists and some 1 million that could be mobilized when necessary. Persian language open-source material does not provide any information about what percentage of the force is full time, reservists or paid members of the organization.

‘The Iran Primer noted that Basij members ‘include women as well as men, old as well as young’ and that most members ‘are believed to be between high school age and the mid-30s.’¹¹

- 3.4.2 The United States Congressional Research Service report ‘Iran’s Foreign and Defense Policies’, dated 23 May 2018, noted that there are ‘100,000 Basij (volunteer militia under IRGC control) permanently deployed. Hundreds of thousands of additional Basij could be mobilized in the event of an all-out war.’¹²
- 3.4.3 According to the CIA World Factbook, the minimum age for joining the Basij is 15¹³.
- 3.4.4 Jane’s Sentinel Security Assessment, dated 11 June 2018, noted:

‘A contingent of the IRGC, the Basij (Mobilisation of the Oppressed) is a militia-based reserve force of about 90,000 personnel with an active and reserve strength of up to 300,000 and a reported mobilisation capacity of nearly 1,000,000 personnel. This volunteer force would provide the bulk of the land forces personnel in the event of a mass mobilisation. It maintains approximately 740 regional battalions with 300-350 personnel each, which are ideally composed of three companies or four platoons plus support

¹¹ Iran Primer, ‘Basij’, 2015, [url](#)

¹² CRS, ‘Iran’s Foreign and Defense Policies’ (p. 19), 23 May 2018, [url](#)

¹³ CIA World Factbook, updated 12 July 2018, [url](#)

elements. These include the former tribal levies and are largely based upon localities.’¹⁴

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3.5 Morality police (Gasht-e Ershad (Persian for Guidance Patrols))

3.5.1 A BBC News article ‘Who are Islamic “morality police”?’ dated 22 April 2016, noted that:

‘Iran has had various forms of "morality police" since the 1979 Islamic Revolution, but the Gasht-e Ershad are currently the main agency tasked enforcing Iran's Islamic code of conduct in public. Their focus is on ensuring observance of hijab - mandatory rules requiring women to cover their hair and bodies and discouraging cosmetics.

‘They are empowered to admonish suspects, impose fines or arrest members of the public, but under reforms that come into force this year, will soon no longer be able to do any of these things.

‘Instead, 7,000 undercover Gasht-e Ershad agents will be deployed to report suspected transgressions to the police, who will decide whether to take action. The Gasht-e Ershad is thought to draw a lot of its personnel from the Basij, a hard-line paramilitary unit; it also includes many women.’¹⁵

3.5.2 The media organisation NPR’s ‘Parallels’ article ‘Springtime In Iran Means The “Morality Police” Are Out In Force’ dated 3 May 2016 noted that:

‘Despite objections from Iran's president, Hassan Rouhani, Tehran's police have announced up to 7,000 undercover officers will be on the lookout for those who don't follow conservative Islamic modes of dress and behaviour. They're called the Gashte Ershad, the "guidance patrol," and they have broad powers to chastise and even arrest people for failing to meet what might be called the modesty test.

‘Men are occasionally stopped — perhaps if their beards are too long, making them resemble jihadists — but usually, it's women who attract the attention of the Gashte Ershad. Too much hair peeking out from under a headscarf, removing the scarf altogether in the car, taking a walk with a boyfriend — all kinds of actions can risk a run-in with the morality police.’¹⁶

3.5.3 In February 2016 BBC Trending reported on a phone app designed to allow Iranian youth to dodge the morality police. The article noted:

‘The new phone app which is called "Gershad" (probably meaning get around Ershad instead of facing them) however, will alert users to checkpoints and help them to avoid them by choosing a different route. The data for the app is crowd-sourced. It relies on users to point out the location of the Ershad vans on maps and when a sufficient number of users point out the same point, an alert will show up on the map for other users. When the number decreases, the alert will fade gradually from the map.

¹⁴ Jane's by IHS Markit, ‘Iran – Army’, 11 June 2018. Subscription only.

¹⁵ BBC News, “Morality police”, 22 April 2016, [url](#)

¹⁶ NPR, ‘Springtime in Iran’, 3 May 2016, [url](#)

‘According to the designers of Gershad, in 2014 alone, around three million people were issued with official warnings, 18,000 were prosecuted and more than 200,000 were made to write formal pledges of repentance.’¹⁷

- 3.5.4 The Indian Express reported that ‘The app was blocked by the authorities soon after it was released for Android devices on Monday [8th February 2016] but many Iranians bypass Internet restrictions by using a Virtual Private Network.’¹⁸

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3.6 Ministry of Intelligence and Security (MOIS)/Vezeerat-e Ettela’at va Amniyat-e Keshvar (VEVAK) aka Ettela’at

- 3.6.1 The Library on Congress’ profile on ‘Iran’s Ministry of Intelligence and Security’, dated December 2012, noted:

‘The Iranian intelligence service is called the Ministry of Intelligence and Security (MOIS), or Vezeerat-e Ettela’at va Amniyat-e Keshvar (VEVAK) in Farsi. MOIS agents are known as “Unknown Soldiers of Imam Zaman,” the name that Ayatollah Khomeini gave them.

‘MOIS is the most powerful and well-supported ministry among all Iranian ministries in terms of logistics, finances, and political support. It is a non-military governmental organization that operates both inside and outside of Iran. Intelligence experts rank MOIS as one of the largest and most dynamic intelligence agencies in the Middle East.’¹⁹

- 3.6.2 The same source also noted that Iran’s constitution defines MOIS’s functions as:

- ‘collecting, analyzing, producing, and categorizing internal and external intelligence;
- uncovering conspiracy, subversion, espionage, sabotage, and sedition against the independence, security, and territorial integrity of the Islamic Republic of Iran;
- protecting intelligence, news, documents, records, facilities, and personnel of the ministry; and
- training and assisting organizations and institutions to protect their significant records, documents, and objects.

‘With more than 30,000 officers and support personnel, MOIS is ranked by experts as one of the largest and most active intelligence agencies in the Middle East.’²⁰

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¹⁷ BBC Trending, ‘Iranian youth get app’, 9 February 2016, [url](#)

¹⁸ Indian Express, ‘Gershad app’, 14 February 2016, [url](#)

¹⁹ Library on Congress, ‘Iran’s Ministry of Intelligence’ (p. 3), December 2012, [url](#)

²⁰ Library on Congress, ‘Iran’s Ministry of Intelligence’ (pp. 3, 24), December 2012, [url](#)

3.7 Human rights violations and impunity

- 3.7.1 Amnesty International's annual report for 2017/18 (Amnesty's 2017/18 report) stated that 'Torture and other ill-treatment of detainees remained common, especially during interrogation, and was used primarily to force "confessions". Detainees held by the Ministry of Intelligence and the Revolutionary Guards were routinely subjected to prolonged solitary confinement amounting to torture.'²¹
- 3.7.2 The USSD report for 2017 stated that:
'Impunity remained a problem within all security forces. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. According to remarks from Tehran Prosecutor General Abbas Jafari-Dolatabadi, the attorney general is responsible for investigating and punishing security force abuses, but the process was not transparent, and there were few reports of government actions to discipline abusers. In a notable exception, in November authorities sentenced former Tehran prosecutor Saeed Mortazavi to two years in prison for his alleged responsibility for the torture and death of protesters in 2009.'²²
- 3.7.3 The UN Human Rights Council, 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 17 March 2017, noted that:
'From the cases brought to her attention, the Special Rapporteur observes that, in many instances, the right of anyone who is arrested to be promptly informed about the charges against him or her is not respected. The Special Rapporteur notes that individuals may be arrested without being shown a warrant. Several cases in which individuals and/or their families were not provided with information regarding the reasons and circumstances for their arrest or their whereabouts were reported to her during the reporting period. Often, those who are called in for interrogation have no idea of the identity of the persons who initiated the investigation against them.'²³
- 3.7.4 The 2018 Freedom House report stated that: 'Activists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes.'²⁴
- 3.7.5 The 2018 DFAT report noted:
'Iran is not a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, Article 38 of the Constitution prohibits all forms of torture for the purpose of extracting confession or acquiring information. Article 169 of the 2013 Penal Code

²¹ AI report 2017/18, 22 February 2018, [url](#)

²² USSD, 2017 human rights report (section 1d), March 2018, [url](#)

²³ UN Special Rapporteur, human rights situation in Iran (paragraph 43), 17 March 2017, [url](#)

²⁴ Freedom House, Iran report 2018 (Section F), January 2018, [url](#)

states that a confession obtained under coercion, force, torture, or mental and physical abuses, shall not be given any validity and weight.

‘Despite these legal protections, human rights organisations report that torture and other ill-treatment of detainees remains common in Iranian detention facilities, especially as a means to force confessions during interrogation. International sources report that commonly reported methods of torture and abuse include prolonged solitary confinement, threats of execution or rape, forced virginity tests, sexual humiliation, sleep deprivation, electroshock, burnings, the use of pressure positions, severe and repeated beatings, and the denial of medical care.’²⁵

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3.8 Avenues of redress

3.8.1 Amnesty’s 2017/18 report stated that: ‘Failure to investigate allegations of torture and exclude “confessions” obtained under torture as evidence against suspects remained systematic.’²⁶

3.8.2 The USSD report for 2017 stated: ‘Citizens had limited ability to sue the government and were not able to bring lawsuits against the government for civil or human rights violations through domestic courts.’²⁷

3.8.3 The 2018 DFAT report stated:

‘Although the 2013 Penal Code prohibits the admission into evidence of confessions obtained under torture, it does not set out any procedure for judges and prosecutors to investigate allegations of torture and ensure that confessions are voluntary. Human rights organisations have reported that authorities have systematically failed to investigate allegations of torture and other ill-treatment, and have sometimes threatened to subject complainants to further torture and long sentences ... Authorities did not conduct an independent investigation into the death of a detainee who died in a Tehran police station in June 2016 from injuries that his family claimed were inflicted during torture...

‘A number of offices exist to enable individuals to register complaints of human rights abuses and improper treatment by security forces, and the judiciary is responsible for prosecuting these cases. DFAT is unable to establish whether a complaints office exists for the IRGC or Basij. DFAT assesses it unlikely that a complaint from a member of the public against a law enforcement officer from any agency would result in prosecution.’²⁸

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3.9 Effectiveness of state protection

3.9.1 The 2018 DFAT report stated:

‘Security forces are conspicuous in many aspects of Iranian life. An extensive network of police, security, and intelligence services exercises effective control over almost all areas of the country. Lines of authority

²⁵ Australian DFAT, Country Information Report Iran (p. 41), 7 June 2018, [url](#)

²⁶ AI report 2017/18, 22 February 2018, [url](#)

²⁷ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

²⁸ Australian DFAT, Country Information Report Iran (p. 44), 7 June 2018, [url](#)

between various security bodies can be blurred, with overlapping and competing responsibilities and occasionally unclear command and control structures. For ordinary Iranians, interaction with the security forces can be unpredictable, and can be influenced by the prevailing political environment and individual personalities.’²⁹

- 3.9.2 The same report stated: ‘International observers concur that corruption is widespread in the police, with systems of patronage and cronyism pervasive in overall law enforcement. While professionalism varies across the police, the force in general operates highly inefficiently.’³⁰

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4. Judiciary

4.1 Organisation

- 4.1.1 A report on Globalex (an electronic legal publication dedicated to international and foreign law research published by the Hauser Global Law School Program at New York University School of Law), titled ‘A Guide to the Legal System of the Islamic Republic of Iran’, updated in February 2011, provided the following information on the Iranian court system:

‘The Courts are functionally classified according to their area of jurisdiction, civil or criminal, and according to the seriousness of the crime or the litigation, e.g., value of property under dispute or the level of punitive action involved.

‘The judiciary in Iran follows the Islamic Law. There are basically three types of courts in Iran- (a) Public Courts, (b) Clerical Courts and (c) Revolutionary Courts.

‘The regular courts in Iran, known as public courts, are classified into:

- ‘1. Civil Courts,
- ‘2. Special Civil Courts,
- ‘3. First Class Criminal Courts; and
- ‘4. Second Class Criminal Courts.’³¹

- 4.1.2 The 2016 DFAT Report noted that:

‘The Head of the Judiciary is appointed by the Supreme Leader for five-year renewable terms and is responsible for hiring, assigning, promoting and firing judges. (While judges should legislatively face trial if they are to be dismissed, the Head of the Judiciary can dismiss them without trial if it is in the ‘interest of the society’.) The Head of the Judiciary is a cleric who must be an authoritative interpreter of sharia (a ‘mujtahid’). The Chief of the Supreme Court and the Prosecutor-General are also required to be mujtahids.

‘The Revolutionary Courts deal with cases concerning internal and external security (including political cases) and drug smuggling. They do not use juries, and trials are frequently closed to the public (though show trials have occurred). Defendants have the right to legal representation in Revolutionary

²⁹ Australian DFAT, Country Information Report Iran (p. 44), 7 June 2018, [url](#)

³⁰ Australian DFAT, Country Information Report Iran (p. 46), 7 June 2018, [url](#)

³¹ Globalex, Guide to the Legal System of Iran, February 2011, [url](#)

Courts, and can appeal sentences to the Supreme Court. The Government has stated that all trials should be held in open courts and all political and press offences should be tried in the presence of a jury, but Revolutionary Courts are exempt from this rule. Revolutionary Courts are not required to release their documents to the public. Human rights defenders and those arrested in protests, including following the 2009 election, are usually tried in the Revolutionary Courts. Credible sources have told DFAT that those suspected of political crimes – threatening the constitutional foundations or territorial integrity of the Islamic Republic are most likely to be tried in Revolutionary Courts. Other cases are generally tried in civil or criminal courts.’³²

- 4.1.3 An Iran based legal expert, in response to a question from the British Embassy in Tehran, noted in March 2017 that:

‘Coming to your question regarding the Ministry of Justice, please note that it has purely administrative functions (such as allocation of budget) and has nothing to do with administration of justice which is left to the care of judiciary whose head, as head of one of the three separate powers (Cf. Art.57 of the Iranian Constitution) is appointed by the supreme leader of Iran while minister of justice is named by the head of state (president). Accordingly apart from two or three websites catering to the whole nation for the service or process and filing online petitions and complaints as well as for information and updating lawyers and public at large who are in possession of the indispensable user name and password to log in (cf. <http://sakha3.adliran.ir/> or <http://sana.adliran.ir>), there are no websites covering nationwide the whole justice apparatus in Iran. In other words, each judicial complex or, in some cases, district. Thus, there is (so far at least) no central nationwide database for civil cases while penal records database (on the basis of which police clearance certificates are released) is only accessible to prosecutors, police and other authorities within the security and intelligence apparatuses.’³³

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4.2 Independence

- 4.2.1 The 2018 DFAT report stated that: ‘Chapter XI of the Constitution...confirms its [the judiciary’s] independence’, although that: ‘Human rights observers criticise the judiciary for its lack of independence.’³⁴

- 4.2.2 The 2016 DFAT Report noted that:

‘The Constitution states that Iran’s judiciary is an “independent power”. The judiciary includes Revolutionary Courts and the Special Court for the Clergy (both established by decree of Supreme Leader Khomeini shortly after the Revolution), in addition to civil and criminal courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court reviews cases of capital offenses and rules on death sentences. It is also

³² Australian DFAT, Country Report for 2016 (section 5.14), 21 April 2016. Available on request.

³³ Legal Expert Report, 31 March 2017, available at Annex A.

³⁴ Australian DFAT, Country Information Report Iran (pp. 46-47), 7 June 2018, [url](#)

tasked with ensuring proper implementation of the laws and uniformity of judicial proceedings.

'It is difficult to ascertain the real independence of Iran's judiciary, but DFAT considers it to be a key arm of Iran's overall system of government under the ultimate authority of the Supreme Leader. Importantly, the judiciary operates separately from the President who is not able to exercise any control over it. There are credible NGO reports that trials are sometimes held in closed session, present a lack of evidence, and do not conform to fundamental standards of due process. It is unlikely that judges are free from external pressure at all times, and may self-censor. There are credible NGO and media reports, as well as reports from trusted sources, that bribery of judges occurs and that there is endemic corruption in the judicial system, which is not strongly policed. The legal quality of the judiciary is also subject to criticism. Women are not allowed to be judges, although some serve in judicial positions, such as deputy prosecutors, court counsellors or as deputy head of the court.'³⁵

4.2.3 The USSD report for 2017 stated that:

'The constitution provides that the judiciary be "an independent power" that is "free from every kind of unhealthy relation and connection." The court system was subject to political influence, and judges were appointed "in accordance with religious criteria." The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country's judicial system and judges, and maintained that trials disregarded international standards of fairness.'³⁶

4.2.4 The UN Human Rights Council, 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran' dated 17 March 2017 noted that:

'On 13 July 2016, the Government introduced the Bill on Formal Attorneyship that had been under consideration by Parliament for several years and which could severely compromise the independence of the Iranian Bar Association. In 2012, the International Bar Association and the previous mandate holder expressed concern over the content of this bill.

'The legal profession in the Islamic Republic of Iran is not independent. The Law on the Qualifications of Attorneys, enacted in 1997, gives the judiciary the authority to vet and exclude candidates from holding positions in the bar association. Reportedly, dozens of prominent lawyers have been rejected from contesting elections to the Board of Directors of the bar association by the Supreme Disciplinary Court of Judges.

'At least 50 lawyers have reportedly been prosecuted since June 2009 for representing prisoners of conscience, political detainees or "national security" prisoners. On 20 May 2016, the previous mandate holder and other United Nations experts issued a joint statement expressing concern about the situation of lawyers and human rights defenders serving heavy sentences for their peaceful activities or for simply carrying out their

³⁵ Australian DFAT, Country Report for 2016 (section 5.17), 21 April 2016. Available on request.

³⁶ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

professional duties. The experts noted that in addition to detaining human rights lawyers, the continued targeting and harassment by the authorities had apparently “forced some lawyers to limit their professional activities or leave the profession altogether” ...

‘The issue of the separation of powers remains an obstacle for the independence of the judicial system. The judiciary plays a vital role in interpreting often vaguely defined national security laws. However this role can only be undertaken effectively if the rules for the appointment of members of the judiciary are transparent and based on the criteria of competence and integrity. It has been widely reported that strong interference is exerted regarding the appointment of judges. The Iranian judiciary has parallel systems: the public courts have general jurisdiction over all disputes, while the specialized courts, such as revolutionary courts, military courts, special clerical courts, the high tribunal for judicial discipline and the court of administrative justice, have functional areas of specialization.’³⁷

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4.3 Sharia law

4.3.1 The USSD report for 2017 stated that:

‘The Special Clerical Court is headed by a Shia Islamic legal scholar, overseen by the supreme leader, and charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. The constitution does not provide for the court, which operated outside the judiciary’s purview. Clerical courts were used to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.’³⁸

4.3.2 The 2018 DFAT report noted that Chapter XI of the Constitution ‘states that the judicial system is based on sharia (Islamic law). The Supreme Leader appoints the head of the judiciary for five-year terms. The head of the judiciary is responsible for hiring, assigning, promoting and firing judges, and must be a cleric with an authoritative knowledge of sharia (a ‘Mujtahid’).’ The report also noted that ‘provisions in the Penal Code and Constitution state that sharia applies to situations in which the law is silent, and judges are compelled to deliver sharia-based judgements in such cases’ and that: ‘The judiciary has consistently rejected the notion that amputations and blindings amount to torture, maintaining that they are permitted under sharia and are effective deterrents to criminal activity.’³⁹

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4.4 Human rights abuses within the judicial system

4.4.1 The USSD report for 2017 stated that: ‘Judicially sanctioned corporal punishments continued. These included flogging, blinding, stoning, and

³⁷ UN Special Rapporteur, human rights situation in Iran (paragraphs 35-39), 17 March 2017, [url](#)

³⁸ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

³⁹ Australian DFAT, Country Information Report Iran (pp. 24, 41, 46), 7 June 2018, [url](#)

amputation, which the government defends as “punishment,” not torture...Extrajudicial punishments involving degrading public humiliation of alleged offenders were also frequently reported throughout the year.’⁴⁰

4.4.2 Amnesty International’s annual report for 2017/18 (‘Amnesty’s 2017/18 report’) stated that: ‘Judicial authorities continued to impose and carry out cruel, inhuman or degrading punishments that amounted to torture.’⁴¹

4.4.3 With regards to the May 2017 elections, the Report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that ‘The use of torture and ill-treatment, such as amputation, blinding and flogging, remains legal and a regular practice in the Islamic Republic of Iran. Reliance on physical and mental torture to coerce a confession (mostly during pretrial detention), the use of prolonged solitary confinement and the denial of access to proper and necessary medical treatment for detainees continue to be widely reported.’⁴²

4.4.4 The 2018 DFAT report stated:

‘Article 39 of the Constitution prohibits all affronts to the dignity and repute of detained persons. However, the 2013 Penal Code provides for the use of physical punishment, including floggings, amputations, and blindings for a range of offences. The judiciary has consistently rejected the notion that amputations and blindings amount to torture, maintaining that they are permitted under sharia and are effective deterrents to criminal activity.

‘According to human rights organisations, while such punishments are not common, they continue to occur.’⁴³

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4.5 Executive influence

4.5.1 The 2018 Freedom House report stated that:

‘Lawyers taking up sensitive political cases have been jailed and banned from practicing, including prominent human rights lawyer Abdolfatah Soltani. A number of lawyers have been forced to leave the country to escape prosecution...

‘The judicial system is used as a tool to silence critics and opposition members. The head of the judiciary is appointed by the supreme leader for a five-year term. Under the current head, Ayatollah Sadegh Larijani, human rights advocates and political activists have been subjected to unfair trials, and the security apparatus’s influence over judges has reportedly grown.’⁴⁴

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4.6 Fair trial

4.6.1 The 2016 DFAT Report noted that:

⁴⁰ USSD, 2017 human rights report (section 1c), March 2018, [url](#)

⁴¹ AI report 2017/18, 22 February 2018, [url](#)

⁴² UN Special Rapporteur, human rights situation in Iran (paragraph 75), 14 August 2017, [url](#)

⁴³ Australian DFAT, Country Information Report Iran (p. 41), 7 June 2018, [url](#)

⁴⁴ Freedom House, Iran report 2018 (Section F), January 2018, [url](#)

'When dealing with political cases or during times of social unrest, the judiciary has shown a high tolerance for security authorities bypassing the legal system. There have been a significant number of credible NGO and media reports concerning show trials, arbitrary arrest and forced confessions. In addition, detainees, including but not limited to political detainees, may be denied adequate access to a lawyer. Foreign-based advocacy groups regularly make credible allegations of trials being held without the presence of a defence lawyer, or without sufficient pre-trial access to a lawyer.'⁴⁵

4.6.2 Amnesty's 2017/18 report stated that:

'Trials, including those resulting in death sentences, were systematically unfair. There were no independent mechanisms for ensuring accountability within the judiciary. Serious concerns remained that judges, particularly those presiding over Revolutionary Courts, were appointed on the basis of their political opinions and affiliation with intelligence bodies, and lacked legal qualifications.

'Fair trial provisions of the 2015 Code of Criminal Procedure, including those guaranteeing access to a lawyer from the time of arrest and during investigations, were routinely flouted. The authorities continued to invoke Article 48 of the Code of Criminal Procedure to prevent those detained for political reasons from accessing lawyers of their own choosing. Lawyers were told they were not on the list approved by the Head of the Judiciary, even though no official list had been made public.

'Trials, particularly those before Revolutionary Courts, remained closed and extremely brief, sometimes lasting just a few minutes.'⁴⁶

4.6.3 Human Rights Watch's world report 2018, covering events in 2017 ('HRW's 2018 report'): 'Iranian courts, and particularly the revolutionary courts, regularly fell short of providing fair trials and allegedly used confessions obtained under torture as evidence in court. Iranian law restricts the right for a defendant to access a lawyer, particularly during the investigation period.'⁴⁷

4.6.4 The USSD report for 2017 stated that:

'According to the constitution and law, a defendant has the right to a fair trial, to be presumed innocent until convicted, to have access to a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not upheld.

'Panels of judges adjudicate trials in civil and criminal courts. Human rights activists reported trials in which authorities appeared to have determined the verdicts in advance, and defendants did not have the opportunity to confront their accusers or meet with lawyers. The law restricts the choice of attorneys to a government-approved list for defendants charged with crimes against national security and for journalists.

⁴⁵ Australian DFAT, Country Report for 2016 (section 5.18), 21 April 2016. Available on request.

⁴⁶ AI report 2017/18, 22 February 2018, [url](#)

⁴⁷ HRW, Iran – Events of 2017, January 2018, [url](#)

'When postrevolutionary statutes do not address a situation, the government advised judges to give precedence to their knowledge and interpretation of sharia (Islamic law). Under this method judges may find a person guilty based on their own "divine knowledge," or they may issue more lenient sentences.

'During the year human rights groups noted the absence of procedural safeguards in criminal trials. According to the CHRI, the government sentenced 11 Christian converts to prison during a period of less than two months in trial proceedings that lacked due process.

'Courts admitted as evidence confessions made under duress or torture. In her August 14 [2017] report, the UNSR stated that the government relied on physical and mental torture to coerce confessions from prisoners during pretrial detention and interrogations. Authorities also allegedly tortured prisoners and forced them to make videotaped confessions that the government later televised.

'The Special Clerical Court is headed by a Shia Islamic legal scholar, overseen by the supreme leader, and charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. The constitution does not provide for the court, which operated outside the judiciary's purview. Clerical courts were used to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.

'In November 2016 the Qom branch of the Special Clerical Court sentenced prominent cleric Hojjatoleslam Ahmad Montazeri to six years in prison for "endangering national security" and "leaking secrets of the Islamic system" after he posted audio recordings of his father, the late dissident cleric, Hossein Ali Montazeri, condemning the 1988 mass execution of political prisoners. On February 21 [2017], Montazeri was arrested to begin serving his sentence. According to reports, however, the cleric was granted furlough and released the following day, allegedly at the direction of the supreme leader.'⁴⁸

- 4.6.5 The August 2017 Report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that 'Revolutionary courts continue to issue the vast majority of death sentences. Violations of the rights to fair trial and due process are systematic before these courts. Legal representation is denied during the investigation phase, lawyers are often refused access to information, many trials reportedly last only a few minutes, and no evidence other than confessions extracted through torture is considered for the imposition of a death sentence.'⁴⁹
- 4.6.6 Also see: Adineh Abghari, 'Introduction to the Iranian Legal System and the Protection of Human Rights in Iran'⁵⁰ and Ronda Cress, Catherine Kent &

⁴⁸ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

⁴⁹ UN Special Rapporteur, human rights situation in Iran (paragraph 60), 14 August 2017, [url](#)

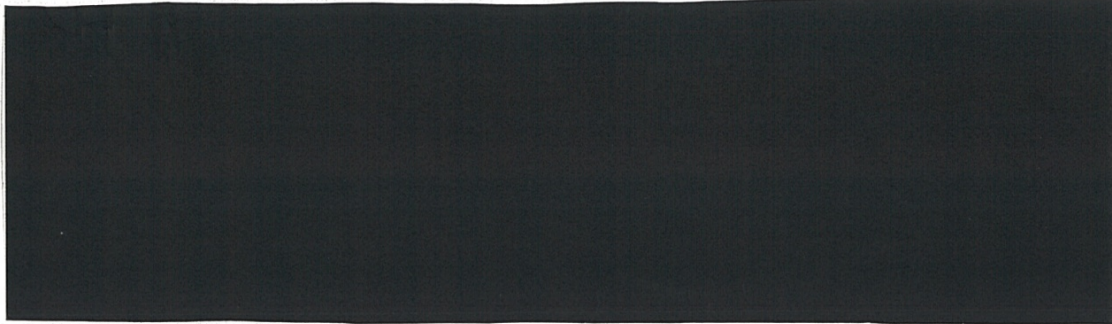
⁵⁰ Adineh Abghari, 'Introduction to the Iranian Legal System', London: British Institute of International and Comparative Law, 2008. Hard copy only.

Mohammad Nayyeri, 'Rule of Law in Iran: Independence of the Judiciary, Bar Association, Lawyers and Iran's Compliance with International Human Rights Obligations'.⁵¹

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⁵¹ Cress, Kent and Nayyeri, 'Rule of Law', 2014, [url](#)

Annex A: Legal expert report



UK Visas & Immigration
C/O British Embassy, Tehran
Ferdowsi Street, Tehran 11

Tehran 31 March 2017

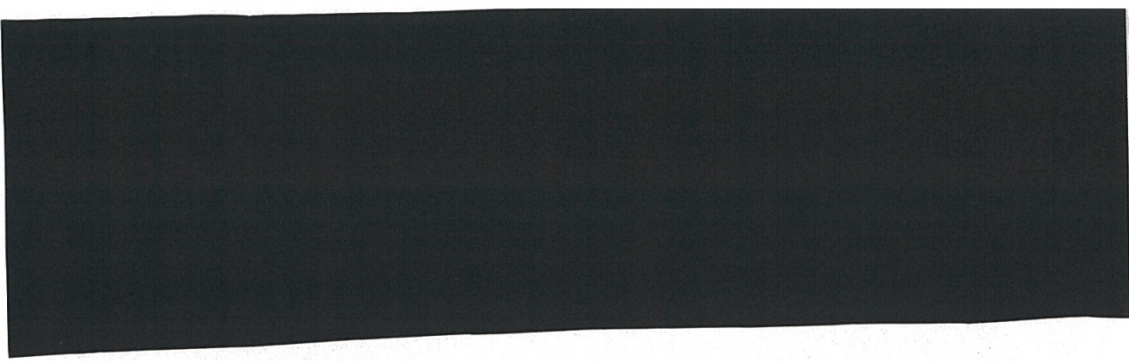
Dear Sirs ,

Pursuant to your instructions contained in your mail of 19.002.2017 followed by hand-delivered hard copy received at my office and the ensuing exchanges of mail with [REDACTED] regarding widespread availability of fraudulent documentation in Iran (including outside court rooms), please be apprised as follows:

Indeed, the frequency of forgery and producing (i.e. use or abuse of fraudulent papers) fraudulent documents in general (although two different counts under the Iranian penal law) is high in Iran either because the penalty is not adequately intimidating or the gains are rewarding enough to justify the enterprise and the risks associated with it. In reality, many people easily get off the hook in total or quasi-impunity so much so that the general temptation could be that forgery pays off. Hence the willingness and temptation are extremely high in Iran especially after the 1979 Islamic Revolution and the eight-year war with Iraq that followed it and the socio-economic dislocation that the two events entailed.

The crime of forgery encapsulates a wide spectrum of documents in wide use as well as different motivations. While for some forgers (or ordering parties of counterfeit documents), presentation of their "customized" document is a matter of life and death and they are desperate to get through one way or the other with the forged document (such as the case of high profile football players who had engaged, like many other draft dodgers, in fraud to evade compulsory public conscription and whose case was highlighted in the press and social media some two or three years ago or poorly-remunerated civil servants or other employees who seek at all cost to produce a higher educational certificate to get a pay rise and win better chances of promotion and advancement in the organization), many others are eager to take the risk to be able to show off or "improve" their social standing by just showing off through relying on a higher educational diploma. That is the case with many politicians and industrialists the most notorious of which was the case of the ex-minister of the interior and IRGC high-ranking officer Ali KORDAN (https://en.wikipedia.org/wiki/Ali_Kordan) that led to introduction of the word "Kordanize" (cf. <http://www.urbandictionary.com/define.php?term=Kordanize>) and its coined derivatives such as kordan kordanification kordanophobia kordanism kordanic kordanicly.... after he released a counterfeit honorary doctorate from no less than University of Oxford which was found replete with misspellings, typing errors and had a garbled English believed to be unimaginable to have been drafted by any even unsophisticated native English speaker, let alone be undersigned by three renowned chairs of law at such a prestigious establishment.

Cases like the above are over-abundant and the foregoing was just tip of the iceberg specially when the counterfeit document is intended to be released to an audience outside Iran (such as immigration authorities) as the forger or the party standing to benefit from its release (rightly) believes that there is a greater chance of success and a reduced risk of any legal hassle. Thus, in the Iranian press, you can find everyday stories of organized gangs or one-man forgery enterprises having been dismantled and brought to trial or people found to have been practicing as a family doctor or even a specialist or as a barrister or solicitor specially in small towns and villages but also large cities for years with subsequent discovery that they just had a secondary education diploma or even less than that or still forgers (using state-of-the-art technology such as sophisticated scanners and laser color printers or latest versions



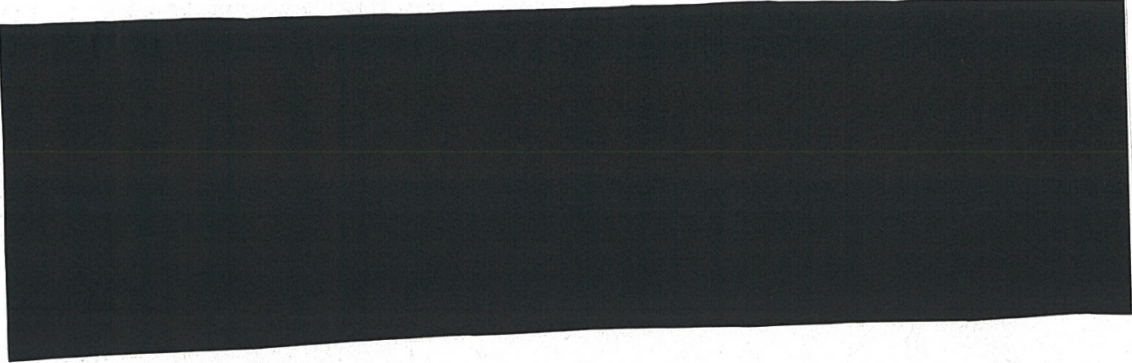
of such software s as Photoshop or Corel Draw) having succeeded in selling off other people's properties by releasing a counterfeit title deed or a tampered power of attorney from the owner of record by profiting from his residence outside Iran or his staying away from the locality (Cf. inter alia articles appearing on page 3 of Etellaat morning daily ,issue dated 01.10.1394 or 22.12.2015 quoting deputy minister of education acknowledging that his organization had to face organized forgery of educational certificates or still article published ibid i.e. in Etellaat newspaper, issue dated 10.09.1394 corresponding to 01.12.2015 on page 13 quoting General Mohammadi , Head of Tehran Criminal Investigation Police ,disclosing widespread release of counterfeit medical prescriptions by phony doctors)

While the law deals with forgery under Art. 745 et seq. of the Islamic Penal Code of 2013, penalizing forgery and use of a forged documents as two separate counts and applying aggravated circumstances when the forger is working for a state institution, the penalty is believed to be far from dissuasive while the statute of limitations (time bar that is not applicable for *hodoood* or *qisas* crimes), commuting of penalty, conditional release , pardons and amnesties (on a number of grounds such as national or religious occasions) not to speak of even suspended jail terms (in the new law in departure from the previous penal code) or replacing the sentence with alternative punishments if the perpetrator is a first offender and not a habitual criminal or still postponement of entry of a judgement not to speak of overpopulation of prisons with the resulting clear instructions to judges to minimize jail sentences ... concur all to neutralize and corrode any deterrent effect that the penalties laid down under those law articles might otherwise have or exercise.

Of course the state has come up with some palliative measures to fight off and remedy effects of such widespread forgery through, inter alia, introduction of security holograms and labels, use of more efficient watermark papers or showing a growing tendency to generalize use of smart ID cards or security token, cryptographic keys, digital signatures (at notaries public or registries such as company registry), embossed or studded seals, biometric data such as fingerprint details, tamper resistant material in title deeds and some educational certificates etc..

Alongside these security devices and running parallel to them, there is a whole panoply of double checking and verification measures taken by the public or private institution which serve as recipients or envisioned recipients of documents. Thus, universities recheck directly with Education Boards to see whether high school diplomas and other credentials produced by newly enrolled students are authentic; notaries public check online (through an intranet directly linking them to Land Registry Organization) title deeds released by vendors before proceeding to recording of closing of title; employers in both public and private sectors correspond directly with Public Conscription Organization for confirmation of authenticity of military service discharge or exemption or call up deferment documents produced to them (as employing people with military service liability is penalized)Even court clerks recheck personal details of barristers at the web site of the bar association to ensure that they are dealing with truly licensed attorneys.

Back to the main theme of our report i.e. purported court documents released specially outside Iran and as pointed out above as historical background to the emergence or unprecedented expansion of forgery industry , the 1979 revolution and the protracted armed conflict that erupted with Iraq almost immediately (in an interval of less than two years right after) brought above drastic social upheavals top among which was a redistribution of wealth (at the



expense of the middle classes and further pauperization of the lower social classes and, in short, wage earners including civil servants and to the benefit of bazar merchants or even more modest shopkeepers and other self-employed). This phenomenon coupled with the cultural cleavage and rift that drove away and alienated the elite but also wide segments of Iranian population unhappy with "islamization" (or perceived and presented as such) of the whole life, brought many of them to explore and espouse the idea of emigration and definite settlement outside Iran. And not all of such prospective or would be emigrants were skilled or rich enough to be greeted and welcomed in such host nations as USA, Canada, Australia, New Zealand or could otherwise qualify for facilities offered by such states to minorities through such organizations dedicated to refugees as HIAS, UNHCR or friendly association of certain religious or ethnic minorities.

This gave rise to or seriously whipped up demands for counterfeit documents likely to be invoked or relied upon to justify application for protection and shelter outside Iran by those groups of either genuinely disgruntled or economically hard pressed segments seeking better life for themselves and desperate to ensure less gloomy prospects to their children overseas which demands were initially met by those "nouveaux pauvres" among the civil servants driven to despair and unable to make both ends meet at the end of the month. Thus, it was from inside the courtrooms or the office of court clerks that the first blank court ruling stationery, arrest warrants, interrogation forms... were smuggled out to be then filled in and tailored to specific needs of ultimate beneficiaries and this outside the court room by professional forgers or by the emigration applicants themselves. However, by and by, professional forgers felt that they had a sufficient number of copied blanc material in their arsenal to dispense with court room insider collaborators or accomplices and to rely on their own "expertise". At the same time, internal surveillance and checking apparatus within the judiciary was showing growing awareness in reaction to such complicity and was determined to crack down on such leaks and practices.

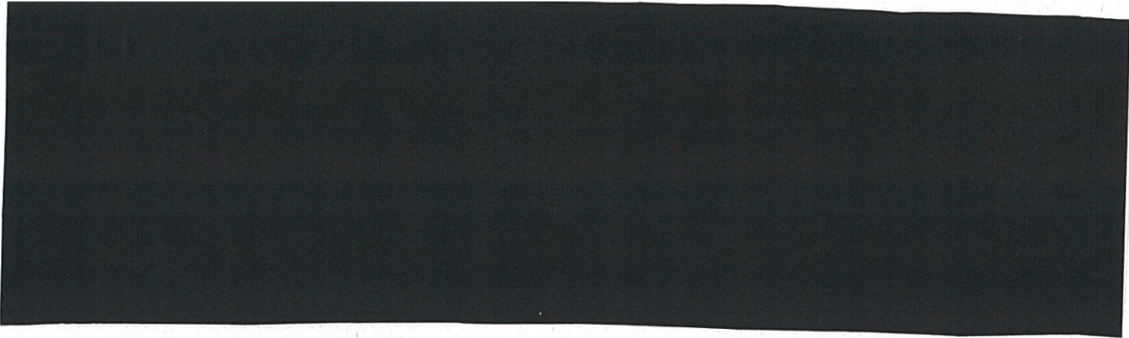
This growing tendency to "self-sufficiency" of forgers was helped by the introduction of computers in the 1990s or thereabouts (with the precise date depending on the location of the courts involved with larger cities preceding small towns in the move towards computerization) and the old typewriter written judgments and writs were gradually scrapped and shelved. Generalization of personal computers and, specifically, introduction of certain software such as Photoshop allowed greater degree of flexibility to cope with increasing demands and also room to display their fraud expertise and modus operandi. Regarding Iranian successive waves (in reaction to the socio-economic conjuncture back at home in Iran) of protection emigration, one should say that the first countries falling victim of such fraudulent documents were those of Scandinavia (basically Sweden but also Denmark and, to a smaller scale, Norway) where the social welfare program and proliferation of refugee associations or holding themselves out as such were found attractive and also of great help by many Iranian candidates for emigration. However with these Scandinavian states reception and accommodation capacities running by and by over-stretched beyond their reasonable capacity and as a result of emergence of xenophobic or openly racist organization in these Scandinavian states, some also left for countries farther to the south in West and Central Europe (France, the Netherlands basically but also Germany and Austria in Central Europe). Thus, people speaking not a word of Kurdish or Arabic or perfectly heterosexual or entertaining no extramarital affairs in Iran were able to accede to the status of refugees (and for some even nationality of the host country through marriage or otherwise) by claiming affiliation with ethnic minorities or seeking protection as LGBT or claiming death threats purportedly received from a cheated husband or an over-zealous father or brother of their mistress due to an extramarital affair. The same holds true regarding affiliation with Baha'i religion (not enjoying recognition in the Constitution and indeed deprived of many civic rights) without the asylum authority bothering to seek authenticity of their affiliation or claims of being militants or activists of certain banned and outlawed organizations while, in reality, they could be at best qualified as mere sympathizers with no exposure to any risk whatsoever arising from such sympathies. However, they were able to apply successfully for refugee status by posting their photos or names on dubious bespoke weblogs or in other social media and thus put the immigration and

asylum authority before the fait accompli by claiming irreversibility of such public announcements and tweets while many of them did not (or still do not) have the required political awareness or consciousness and could be at best characterized , to use a defunct Marxism terminology, as *lumpenproletariat*..

At the same time, while existence of genuine asylum seekers applying bona fides for refugees status and genuinely seeking protection from persecution cannot be denied (such as religious minorities not recognized in the constitutions and of course genuine LGBTs) ,there are persistent allegations (not independently checked or verified) and all sorts of wild rumors and reports in the Iranian pro-governmental press claiming to be based on confessions made by the asylum seekers that there are paid "clinics" or bespoke surgeries (reportedly in South-East Turkey) where applicants for asylum status in Europe are put under localized or general anesthesia before wounds are inflicted on them to develop ecchymosis , hematoma and cicatrices in support of claims of undergoing torture in Iran or other Near Eastern countries.

Coming to your question regarding Ministry of Justice, please note that it has purely administrative functions (such as allocation of budget) and has nothing to do with administration of justice which is left to the care of the judiciary whose head, as head of one of the three separate powers (Cf. Art. 57 of the Iranian Constitution) , is appointed by the supreme leader of Iran while minister of justice is named by the head of state (president). Accordingly, apart from two or three websites catering to the whole nation for service of process and filing online petitions and complaints as well as for information and updating of lawyers and public at large who are in possession of the indispensable user name and password to log in (cf. <http://sakha3.adliran.ir/> or <http://sana.adliran.ir/>), there are no websites covering nationwide the whole justice apparatus in Iran.. In other words, each judicial complex or district has its own databank or database accessible only to judges and court clerks within that particular judicial complex or ,in some cases, district. Thus, there is (so far at least) no central nationwide database for civil cases while penal records database (on the basis of which police clearance certificates are released) is only accessible to prosecutors, police and other authorities within the security and intelligence apparatuses.


Regarding uniformity of security features contained within court documents in Iran, please note that Iran is a unitary state and not a federal one. This implies absolutely no departure from centrally approved procedures (also forms and templates) and substance (corpus juris to discuss merits of the case) at the initiative of individual judges or districts and, perhaps, to the detriment and prejudice of individual innovation as the practice predicates a monotonousness which best characterizes it in a marked and sharp difference from common law states, uniformity: same Persian word-processing software used by courts all over Iran, same font, same page setup, same margins and borders, same brightness of the paper used to print out court rulings, layout and the whole material presentation inclusive of the various parts (introduction and preamble, main body, closing paragraphs), file processing and identification (allocation of a 16-digit unique code whose first two digits correspond to the Iranian law in which the case is filed by a private party or is opened by public prosecutor's office such as 96 followed by 14 other digits in reference to cases opened or filed in the current Iranian year of 1396 which corresponds to the period running from 21.03.2017 to 20.03.2018; it is noteworthy that before computerization, case numbers featured or were composed of a combination of 3 elements separated by a slash (/) or a hyphen (-) and representing ,respectively, relevant Iranian year, court bench or chamber number and the case number proper) as well as other minute details (original ruling only to be signed by the judge with the true copies , certified by the court clerk, sent out in duplicate for service of process on each litigant in a given adjudication . Again ,the process server collects signature of the served party only on one counterpart (which is then sent back to court and kept on file as proof or record of service) while the process-server himself signs and dates the other counterpart (date as of which statutory deadlines for appeal, payment of costs... run) which he hands over to the served party or close relatives as detailed out under the Iranian Civil Procedure Code on service of process. Thus, no



counterpart produced by an asylum applicant can bear his own signature (that counterpart should have gone to court) while no counterpart released by an applicant can omit signature of the process server or his mention of the date of service .It is noteworthy that the same identification code system (16-digit numbers) also applies to all other process including arrest warrants, summons (citations), interim /interlocutory writs...

Thus, in a nutshell, there are no bespoke or customized rules for any municipality or jurisdiction and uniformity is the golden rule that prevails. As to clues and other distinctive details which allow you to tell an authentic document from a counterfeit, I should say that you somehow acquire such experience and experience over and through years of practice. Nonetheless, in addition to the aforesaid material presentation, minute details and procedural rules associated with summoning and service of process, it is basically the garbled and stilted language , poor legal reasoning, wrong article numbers ,over harsh punishments (exceeding even what has been provided for in the law book), lack of coherence and consistency, wrong jurisdiction (specially undue reference to revolutionary courts to dramatize the case whereas they are competent only for matters dealing with state security and drugs and not apostasy ,gambling, marital infidelity, sodomy or, in general, solicitation or actual penetrative sex by gays and lesbians, taking liquor or attending "promiscuous" social events and entertainments which are the main reasons cited in support of asylum applications and all of which fall within the scope of competence of ordinary penal courts or even detection of such silly mistakes as wrong shape of seals (ink stamps) or wrong emplacement for signature or still wrong names of judges or article number or producing a court document date of which coincides with a bank holiday in Iran and impossible for a court to hold its session. There is also usually misspelling specially in regards to legal terminology and boilerplate legalese expression all the more so as they are basically loan words from Arabic (which is the language of the Koran and the Sharia) and which a non-legally literate or poorly literate Iranian is prone to misspell to the same degree and extent that an ordinary British subject or American citizen may misspell legal jargon borrowed from Latin or Greek.

The foregoing was what the undersigned , freshly back from an oversea visit ,could immediately recollect within time constraints (on a remaining last day Iranian new year second batch of protracted public holiday and in the run up to resumption of business on Mon.) as pertinent to elaborate or expound on or in relation with the scope defined in the instructions. Please do feel free (and you will be more than welcome) to get back to me for any additional information or eventual clarification so as to dispel any ambiguity that you may find in my drafting. Thank you.



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Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **15 November 2019**

Changes from last version of this note

First version of this note – however COI and assessment taken in full from Iran background information CPIN – September 2018.

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